

MEMO ENDORSED



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June 11, 2021

Via ECF

The Honorable Valerie E. Caproni
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square Room
New York, New York 10007

Re: *India Globalization Capital, Inc. v. Apogee Financial Investments, Inc.*,
Case No. 1:21-cv-01131-VEC (consolidated)

Dear Judge Caproni:

By this letter Defendant/Counter-Plaintiff, Apogee Financial Investments, Inc., and Counter-Plaintiff, John R. Clarke, respectfully move by consent for an extension of time from June 11, 2021, to and including June 16, 2021, to file an amended complaint/counter-complaint under Rule 15(a)(1)(B) and (2) of the Federal Rules of Civil Procedure and Paragraph 4(E)(i) of the Court's Individual Practice Rules.

1. *Reason for Request:* Counsel requires more time to review materials with clients, as counsel has been undergoing oncology checkup tests this past week.
2. *Original Date:* June 11, 2021.
3. *Number of Previous Requests for Extension:* None.
4. *Prior Requests Granted/Denied:* N/A.

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5. *Adversary Consent/Dissent:* Plaintiff/Counter-Defendant, India Globalization Capital, Inc., and Counter-Defendant, Ramachandra Mukunda, consent to the relief sought by this motion.

6. *Proposed Extension Date:* June 16, 2021.

I attach a proposed order as required by Paragraph 2(d) of the Court's Individual Practice Rules.

Respectfully Submitted,

/s/ Mitchell J. Rotbert
Mitchell J. Rotbert
MR-0484
Counsel for Defendants,
Apogee Financial Investments, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2021, I filed the foregoing using the Court's electronic case filing system, which generated a notice of electronic filing to counsel for Plaintiff, as follows:

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/s/ Mitchell J. Rotbert
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Application DENIED as moot. Apogee Financial Investments, Inc. and John R. Clarke's response in opposition to the Motion to Dismiss or an Amended Complaint filed in lieu of a response is due no later than Friday, June 18, 2021. *See* Endorsement, Dkt. 24.

SO ORDERED.



Date: June 11, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE